

STATE OF LOUISIANA

DEPARTMENT OF ENVIRONMENTAL QUALITY

IN THE MATTER OF:

**KENNEDY SAW MILLS, INC.
AI # 1230**

* **Enforcement Tracking No.**

* **HE-CN-03-0222**

* **HE-C-01-0543**

* **HE-P-98-0182**

* **HE-C-98-0089**

* **HE-P-97-0485**

* **HE-C-97-0291**

*

**PROCEEDINGS UNDER THE LOUISIANA
ENVIRONMENTAL QUALITY ACT
LA. R.S. 30:2001, ET SEQ.**

* **Docket No.**

* **99-2208-EQ**

* **EQ-HP-98-092**

SETTLEMENT

The following Settlement is hereby agreed to between Kennedy Saw Mills, Inc. ("Respondent"), and the Department of Environmental Quality ("DEQ" or "the Department"), under authority granted by the Louisiana Environmental Quality Act, La. R.S. 30:2001, et seq. ("the Act").

I.

Respondent is a corporation who operates a wood treatment and processing plant facility (Benton Creosoting Works) located at 6695 Louisiana Highway 3 North in Benton, Bossier Parish, Louisiana ("the Facility").

II.

On December 1, 1997, the Department issued a Compliance Order, Enforcement No. HE-C-97-0291 to Kennedy Saw Mills Inc. d/b/a Benton Creosoting Works attached hereto and made a part of this Settlement as Exhibit A.

III.

On August 24, 1998, the Department issued a Penalty Notice, Enforcement No. HE-P-97-0485, in the amount of \$28,299.00 to Kennedy Saw Mills Inc. d/b/a Benton Creosoting Works

attached hereto and made a part of this Settlement as Exhibit B.

IV.

On November 10, 1998, the Department issued a Compliance Order, Enforcement No. HE-C-98-0089, to Kennedy Saw Mills, Inc. d/b/a Benton Creosoting Works attached hereto and made a part of this Settlement as Exhibit C.

V.

On February 8, 1999, the Department issued a Penalty Notice, Enforcement No. HE-P-98-0182, in the amount of \$2,466.00 to Kennedy Saw Mills Inc. d/b/a Benton Creosoting Works attached hereto and made a part of this Settlement as Exhibit D.

VI.

On May 2, 2002, the Department issued a Compliance Order, Enforcement No. HE-C-01-0543, to Kennedy Saw Mills, Inc. attached hereto and made a part of this Settlement as Exhibit E.

VII.

On February 27, 2004, the Department issued a Consolidated Compliance Order and Notice of Potential Penalty, Enforcement No. HE-CN-03-0222, to Kennedy Saw Mills Inc. attached hereto and made a part of this Settlement as Exhibit F.

VIII.

In addition, on or about April 1, 2004, a file review was conducted by the Permits Division that revealed the following violations:

- A. The Respondent failed to submit the Post-Closure Permit Renewal application within one hundred eighty (180) days prior to expiration, in accordance with LAC 33:V.315 and LAC 33:V.303.N, in violation of the Post-Closure Permit Number LAD008056632 MP-1, condition II.A.

- B. The Respondent failed to conduct semi-annual groundwater monitoring from June 2000 to April 2004, in violation of the Post-Closure Permit LAD008056632 P/C-1, section VI.H.3 and attachment E section 5.4.1.
- C. The Respondent failed to submit updated information for the post-closure cost estimates to the Office of Management and Finance, Financial Services Division, in violation of LAC 33:V.3711.F.5.

IX.

In response to the Compliance Order and Penalty Assessment, Respondent made a timely request for a hearing.

X.

Respondent denies it committed any violations or that it is liable for any fines, forfeitures and/or penalties.

XI.

Nonetheless, Respondent, without making any admission of liability under state or federal statute or regulation, agrees to pay, and the Department agrees to accept, a payment in the amount of TEN THOUSAND AND NO/100 DOLLARS (\$10,000.00) of which Two Thousand Five Hundred and No/100 (\$2,500.00) represents DEQ's enforcement costs, in settlement of the claims set forth in this agreement. The total amount of money expended by Respondent on cash payments to DEQ as described above, shall be considered a civil penalty for tax purposes, as required by La. R.S. 30:2050.7(E)(1).

XII.

Respondent further agrees that the Department may consider the inspection report(s), the Penalty Assessments and this Settlement for the purpose of determining compliance history in

connection with any future enforcement or permitting action by the Department against Respondent, and in any such action Respondent shall be estopped from objecting to the above-referenced documents being considered as proving the violations alleged herein for the sole purpose of determining Respondent's compliance history.

XIII.

This agreement shall be considered a final order of the secretary for all purposes, including, but not limited to, enforcement under La. R.S. 30:2025(G)(2), and Respondent hereby waives any right to administrative or judicial review of the terms of this agreement, except such review as may be required for interpretation of this agreement in any action by the Department to enforce this agreement.

XIV.

This settlement is being made in the interest of settling the state's claims and avoiding for both parties the expense and effort involved in litigation or an adjudicatory hearing. In agreeing to the compromise and settlement, the Department considered the factors for issuing civil penalties set forth in LSA- R. S. 30:2025(E) of the Act.

XV.

The Respondent has caused a public notice advertisement to be placed in the official journal of the parish governing authority in Bossier Parish, Louisiana. The advertisement, in form, wording, and size approved by the Department, announced the availability of this settlement for public view and comment and the opportunity for a public hearing. Respondent has submitted a proof-of-publication affidavit to the Department and, as of the date this Settlement is executed on behalf of the Department, more than forty-five (45) days have elapsed since publication of the notice.

XV.

Payment is to be made within ten (10) days from notice of the Secretary's signature. If payment is not received within that time, this Agreement is voidable at the option of the Department. Penalties are to be made payable to the Department of Environmental Quality and mailed to the attention of Darryl Serio, Office of Management and Finance, Financial Services Division, Department of Environmental Quality, Post Office Box 4303, Baton Rouge, Louisiana, 70821-4303. Each payment shall be accompanied by a completed Settlement Payment Form (Exhibit G).

XVII.

In consideration of the above, any claims for penalties are hereby compromised and settled in accordance with the terms of this Settlement.

XVIII.

Each undersigned representative of the parties certifies that he or she is fully authorized to execute this Settlement Agreement on behalf of his/her respective party, and to legally bind such party to its terms and conditions.

KENNEDY SAW MILLS, INC.

BY: _____
(Signature)

(Printed or Typed)

TITLE: _____

THUS DONE AND SIGNED in duplicate original before me this _____ day of
_____, 20____, at _____.

NOTARY PUBLIC (ID # _____)

(Printed or Typed)

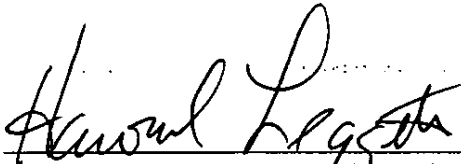
STATE OF LOUISIANA
Mike D. McDaniel, Ph.D., Secretary
Department of Environmental Quality

BY: _____
Harold Leggett, Ph.D., Assistant Secretary
Office of Environmental Compliance

THUS DONE AND SIGNED in duplicate original before me this _____ day of
_____, 20____, at Baton Rouge, Louisiana.

NOTARY PUBLIC (ID # _____)

(Printed or Typed)

Approved: 
Harold Leggett, Ph.D., Assistant Secretary



State of Louisiana
Department of Environmental Quality

State of Louisiana
Department of Environmental Quality

Action 12-1-97
(3) Barr
Lourde
Maryke

M.J. "MIKE" FOSTER, JR.
GOVERNOR
December 1, 1997

J.

CERTIFIED RETURN RECEIPT REQUESTED

Z 030 741 054
Z 030 741 055

Kennedy Saw Mills Inc.
dba Benton Creosoting Works
LAD008056632
Bossier Parish
P.O. Box 87
Benton, Louisiana 70116

ATTN: Mr. Don Wheeler

Subject: **COMPLIANCE ORDER
ENFORCEMENT TRACKING NO. HE-C-97-0291**


Dear Mr. Wheeler:

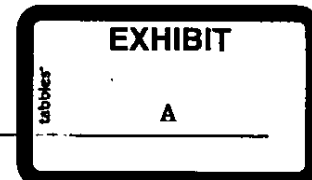
Attached please find a Compliance Order issued to Kennedy Saw Mills Inc. dba Benton Creosoting Works by the Louisiana Department of Environmental Quality, Hazardous Waste Division.

In order to reduce document handling time, please refer to the enforcement tracking number on the top right of the attached document on all correspondence in response to this action.

If you have any questions regarding this matter, please do not hesitate to contact this office at 504/765-0355.

Sincerely,


H. M. Strong
Assistant Secretary



HMS:ABD:cko

OFFICE OF SOLID AND HAZARDOUS WASTE

HAZARDOUS WASTE DIVISION

P.O. BOX 82178

BATON ROUGE, LOUISIANA 70884-2178

TELEPHONE (504) 765-0355

FAX (504) 765-0617

AN EQUAL OPPORTUNITY EMPLOYER



BENTON CREOSOTING WORKS
LAD008056632
P.O. BOX 87
BENTON, LA. 71006
TEL: (318) 965-2241

ATTN: MR. JOHN E. KENNEDY

RCRA CEI
DATE: MARCH 11, 1998

NARRATIVE

On March 11, 1998, a RCRA CEI (Compliance Evaluation Inspection) was conducted at Benton Creosoting Works, LAD 008 056 632, located on La. Hwy. 3, in Benton, Bossier Parish, La. Mr. Burns Doss and Mr. Ben Juneau represented the LDEQ Hazardous Waste Enforcement Division. Mr. Donnie Hackler represented LDEQ Hazardous Waste Geotechnical Section and Ms. Karla Vidrine represented LDEQ Hazardous Waste Permits. Mr. Don Wheeler represented Benton Creosoting Works. Mr. Roy Dowling represented ALTEC Environmental Consultants. The owner of the facility, Mr. John E. Kennedy, was not present.

PRE-EVALUATION RECORDS REVIEW

A records review of the facility was performed at the LDEQ Shreveport office prior to the inspection. The facility has undergone closure of three surface impoundments.

The Department sent Administrative Order HP-94-0369, dated November 1, 1994, to the facility. The Department notified the facility that the response to the Order is deficient in a March 8, 1995, letter.

A RCRA CEI (Compliance Evaluation Inspection) was conducted at the facility on June 24, 1997. This inspection resulted in Compliance Order HE-C-97-0291 and Notice of Potential Penalty HE-PP-97-0485. The facility appealed the Compliance Order and the appeal request was received by the Department December 19, 1997. On March 30, 1998 a request was made by the facility to extend the date for compliance listed in the order. The Department agreed to extend the time limit originally established by the Compliance Order. This Compliance Order has not been resolved.

PAGE 2 OF 4
BENTON CREOSOTING WORKS
LAD 008 056 632
DATE: 3/11/98

The facility has undergone closure of surface impoundments originally used as evaporating ponds for creosote processing residues. These ponds were designated numbers 1, 2, and 3. These effluent ponds were approximately five feet below grade and were surrounded by two foot levees. The dimensions of the ponds were 65 feet x 55 feet for pond # 1; 200 feet x 55 feet for pond # 2; 112 feet x 37 feet for pond # 3. Ponds 2 and 3 were emptied, backfilled, and covered with vegetation. Contaminated soils from ponds 2 and 3 were removed and placed into pond # 1.

K001 sludges were treated in two 65,000 gallon liquid/solids reactors (LSR) located between ponds 1 and 2. Bioremediation was used originally, but chemical stabilization was implemented.

The closure plan was submitted to the Department for completion of the closure of ponds 2 and 3 and the closure of pond # 1. Pond # 1 underwent chemical stabilization. Their closure plan included: treatment of all surface water from LSR'S and pond # 1 with the plant process water and ultimately discharging into the city of Benton's POTW system; Chemical stabilization of all soils and residuals in pond # 1 and then cap pond # 1; Decontamination of the two LSR reactors with all wash water treated with the plant's process water; and after being certified clean, ponds 2 and 3 would be filled.

Ponds # 1 and # 2 are now closed. The Department has issued a final closure permit for pond # 1. Pond # 1 is now closed in place. The closure of LSR tanks was addressed by Compliance Order HE-C-97-0291 issued by the Department on December 1, 1997. The facility has been given an extension to complete the closure of these tanks.

The ground water monitoring well MW-10 had indicated detectable levels of phenols. Concentrations of creosote constituents were found in MW-8, MW-10, and MW-11. MW-10 is located on the southeast corner of pond # 1 where the highest concentrations of liquid creosote were stored.

FACILITY DESCRIPTION

Benton Creosoting Works is located on the West side of Louisiana Highway 3 in the City of Benton, approximately 15 miles north-northwest of Bossier City, Bossier Parish, Louisiana. The facility has been in operation for over 40 years. It is a wood preserving business for products such as fence poles, railroad ties, etc. Its primary wood preserving material is creosote. John E. Kennedy is the present owner of the property.

PAGE 3 OF 4
BENTON CREOSOTING WORKS
LAD 008 056 632
DATE: 3/11/98

Potential hazardous waste streams are K001 wastewater treatment sludge from the wastewater treatment unit, U051 spills of creosote, and F034 spent formulations generated from preserving processes.

FACILITY TOUR

Mr. Doss and Mr. Juneau began the inspection by looking at the hazardous waste container storage area with Mr. Wheeler. Ms. Karla Vidrine and Mr. Donnie Hackler from the Department had not arrived when the tour began. The container storage area is covered and has a bermed concrete floor. There were seven 55 gallon drums labeled hazardous waste. One of the labeled drums was a satellite container not completely full. The hazardous waste included F034 hazardous waste from cleaning the drip pad, sump, and from drippage removed from the ground. The remaining six full drums storing hazardous waste did not have the date of accumulation on them, in violation of **LAC 33:V.1109.E.1.e (SEE PHOTO)**. Mr. Wheeler said the dates were on the drums but must have been removed. Mr. Wheeler stated that initial collection of this hazardous waste began July 1997. The first 55 gallon drum became full in September 1997. The last full 55 gallon drum was completed in December 1997. The facility has not requested an extension for storage of this material. At least one of these drums has been stored over 90 days, in violation of **LAC 33:V.303.B**. Mr. Wheeler was in the process of having a crack sealed on the concrete floor. Mr. Doss asked Mr. Wheeler if inspections were conducted at least weekly where containers are stored, looking for leaking containers and for deterioration of containers and the containment system. Mr. Wheeler stated inspections are not made at the less than 90 day storage area. This is in violation of **LAC 33:V.2109.A**. Mr. Wheeler was informed that records of these inspections must be maintained according to the recordkeeping requirements as specified by **LAC 33:V.2109.C**.

Mr. Roy Dowling with ALTEC, met the DEQ inspectors near the closed surface impoundments. The three closed surface impoundments had a covering of vegetation over them. Monitoring wells are located near the impoundments. The LDEQ Ground Water Division conducts CME's as necessary. Results of CME's can be found at LDEQ Ground Water Division in Baton Rouge. The facility's ground water monitoring report was reviewed. Five wells are being monitored.

PAGE 4 OF 4
BENTON CREOSOTING WORKS
LAD 008 056 632
DATE: 3/11/98

Ms. Karla Vidrine and Mr. Donnie Hackler from the Department arrived at the site. While they toured the facility with Mr. Dowling, Mr. Doss and Mr. Juneau looked at records with Mr. Wheeler.

RECORDS INSPECTION AT THE FACILITY

A request was made to review annual training records for hazardous waste personnel. These records were not available. Mr. Wheeler stated that the records were being reviewed at an off-site location. The facility was asked to provide these records to the Department. No records have been received. The facility failed to maintain records documenting that the training or job experience required under LAC 33:V.1515.A, B, and C have been given to, and completed by, facility personnel. The facility failed to maintain documentation of personnel training as specified in LAC 33:V.1515 D.4. in violation of LAC 33:V.1119.

An exit interview summarizing the inspection was conducted by Mr. Burns Doss and Mr. Ben Juneau from the LDEQ Hazardous Waste Division. Ms. Vidrine and Mr. Hackler from the Department were present. Representing Benton Creosoting Works was Mr. Don Wheeler. Mr. Roy Dowling represented ALTEC.

REPORT BY: A. Burns Doss REVIEWED BY: Steven R. Aguillard

A. BURNS DOSS
COORDINATOR

STEVEN R. AGUILLARD
PROGRAM MANAGER

STATE OF LOUISIANA
DEPARTMENT OF ENVIRONMENTAL QUALITY
OFFICE OF SOLID AND HAZARDOUS WASTE
HAZARDOUS WASTE DIVISION

IN THE MATTER OF

KENNEDY SAW MILLS INC.
DBA BENTON CREOSOTING WORKS
LAD008056632
LA. HIGHWAY 3
BOSSIER PARISH
BENTON, LOUISIANA 71006

PROCEEDINGS UNDER THE LOUISIANA
ENVIRONMENTAL QUALITY ACT,
La. R.S. 30:2001, ET SEQ.

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ENFORCEMENT TRACKING NO.
HE-C-97-0291

COMPLIANCE ORDER

The following COMPLIANCE ORDER is issued to Kennedy Saw Mills Inc. dba Benton Creosoting Works (Respondent) by the Louisiana Department of Environmental Quality (the Department), under the authority granted by the Louisiana Environmental Quality Act (the Act), La. R.S. 30:2001, et seq., and particularly by La. R.S. 30:2025(C) and 30:2050.2.

FINDINGS OF FACT

I.

Respondent operates a wood treatment facility on Louisiana Highway 3 in Benton, Bossier Parish, Louisiana.

II.

On or about June 24, 1997 a representative of the Department performed an inspection of the facility and noted the following violations:

A. Respondent failed to clean up spilled material that is a hazardous

waste or that will be disposed as a hazardous waste in a timely manner, in violation of LAC 33:V.1121 as follows:

1. Drillage of F034 wood treatment waste on the ground;
2. F034 collected on the sump grate and inside the sump near the treatment cylinder; and
3. Drillage of U051 waste on the sides and along the base of storage tank #3082.

B. Respondent failed to maintain and operate the facility to minimize the possibility of fire or unplanned release of hazardous waste or hazardous waste constituents that could threaten human health or the environment (drillage and lengthy poorly contained storage as described in paragraph II.A) as specified in LAC 33:V.1511.B, in violation of LAC 33:V.1115.

C. Respondent failed to label or mark a 20-30 gallon container accumulating F034 hazardous waste cleaned from the drip pad with the words "Hazardous Waste" or with other words that identify the contents of the container, in violation of LAC 33:V.1109.E.4.

D. Respondent failed to respond to the release of used oil to the soil in the old sawmill area at the north end of the site, in violation of LAC 33:V.4013.D.

E. Respondent failed to obtain an active EPA identification number by applying to the Administrative Authority within 14 days after first generating any hazardous waste, in violation of LAC 33:V.1105.A.

F. Respondent failed to revise the contingency plan to show changes in type or quantity of waste handled as specified by LAC 33:V.1513.A.4, in violation of LAC 33:V.1117.

- G. Respondent failed to make arrangements with local authorities as specified by LAC 33:V.1511.G, in violation of LAC 33:V.1115.
 - H. Respondent failed to document the cleaning procedure for the drip pad in its operating log, in violation of LAC 33:V.2805.J.
 - I. Respondent failed to determine if the residues cleaned from the drip pad are hazardous as specified by LAC 33:V.2805, in violation of LAC 33:V.1103.
 - J. Respondent failed to maintain records sufficient to document that all treated wood is held on the pad following treatment in accordance with that requirement, in violation of LAC 33:V.2805.L.
 - K. Respondent failed to maintain, as part of the facility operation log, documentation of past operating and waste handling practices, in violation of LAC 33:V.2805.P.
 - L. Respondent failed to maintain records at the facility describing the procedures that will be followed to ensure that all wastes are removed from the drip pad and associated collection system at least once every 90 days, in violation of LAC 33:V.1109.E.1.c.i.
 - M. Respondent failed to maintain records showing documentation of each waste removal, including the quantity of waste removed from the drip pad and the sump or collection system and the date and time of removal, in violation of LAC 33:V.1109.E.1.c.ii.
 - N. Respondent failed to follow the Closure Plan in violation of the Closure Permit #LAD008056632-CP2, as follows:
 - 1. Failure to empty the two LSR tanks and handle residual solids from the two LSR tanks as required by Section 2.4.1. Paragraph #3;
-

2. Failure to decontaminate and analyze the two LSR tanks to ensure adequate removal of the K001 constituents as required by Section 2.4.1. Paragraph #5;
 3. Failure to allow discharge of supernatants of the two LSR tanks to the wastewater treatment system as required by Section 2.4.2. Paragraph #2.
- O. Respondent failed to inform the Administrative Authority of deviations from or changes in the information in the Closure Plan in violation of the Closure Permit #LAD008056632-CP2, by placing one LSR Tank in wastewater treatment service prior to completing closure procedures as specified in the closure plan and outlined above.
- P. Respondent stored K001 hazardous waste for greater than one year in the south end LSR tank, in violation of LAC 33:V.303.B and LAC 33:V.2205.

COMPLIANCE ORDER

Based on the foregoing, Respondent is hereby ordered:

I.

To immediately institute procedures to ensure that spilled material that is a hazardous waste or that will be disposed as a hazardous waste is cleaned up in a timely manner.

II.

To immediately institute procedures to ensure that the facility is designed, maintained and operated to minimize the possibility of fire, explosion or any unplanned sudden or non-sudden release of hazardous waste or hazardous waste constituents that could threaten human health and the environment.

III.

To immediately label all drums of hazardous waste and institute procedures to ensure that all containers storing hazardous waste are labeled as required by LAC 33:V.1109.E.

IV.

To immediately institute procedures for managing spills of used oil as specified by LAC 33:V.4013.D.

V.

To immediately notify the Department of its current hazardous waste activities by completing an HW-1 Form.

VI.

To revise and submit for Department approval the facility's contingency plan to include all changes in information, including but not limited to information describing changes in type or quantity of waste handled by the facility, within forty-five (45) days after receipt of this Compliance Order.

VII.

To make arrangements with local authorities as specified by LAC 33:V.1511.G, to document these arrangements in the facility's revised contingency plan, and to furnish a copy of the approved plan to those authorities as required.

VIII.

To immediately institute procedures to ensure that the following are documented in the facility's operating log: (a) cleaning procedure for the drip pad as required by LAC 33:V.2805.J; (b) documentation that all treated wood is held on the pad following treatment as required by LAC 33:V.2805.L; and (c) documentation of past operating and waste handling practices as required by LAC 33:V.2805.P.

IX.

To immediately institute procedures to ensure that a determination as required by LAC 33:V.1103 is made by the facility on all generated solid waste.

X.

To immediately institute procedures to ensure that records are maintained at the facility and available for inspection describing procedures followed by the facility to ensure that all wastes are removed from the drip pad and associated collection system at least once every 90 days in the manner described by LAC 33:V.1109.E.1.c.

XI.

To perform closure of the two LSR tanks as specified by the 1994 Closure Permit #LAD008056632-CP2, within sixty (60) days after receipt of this Compliance Order; or to modify the closure plan to include all deviations from or changes in the information previously submitted to the Department in obtaining approval for the closure permit within thirty (30) days after receipt of this Compliance Order and close the two LSR tanks as required by the modified plan of this section within sixty (60) days after the modifications of the closure plan are approved.

XII.

To submit to the Department, within thirty (30) days after closure of the units required in Paragraph XI, a written report of the procedures utilized by the facility to comply with closure procedures and documentation required by the modified closure plan.

XIII.

~~To prepare and submit, within ninety (90) days after receipt of this~~

Compliance Order, a detailed report describing actions taken or to be taken to correct and prevent future occurrence of those violations described in Paragraph II of the Findings of Fact of this Compliance Order.

RESPONDENT SHALL FURTHER BE ON NOTICE THAT:

XIV.

The Respondent has a right to an adjudicatory hearing on a disputed issue of material fact or of law arising from this COMPLIANCE ORDER. This right may be exercised by filing a written request with the secretary no later than thirty (30) days after receipt of this COMPLIANCE ORDER.

XV.

The request for adjudicatory hearing shall specify the provisions of the COMPLIANCE ORDER on which the hearing is requested and shall briefly describe the basis for the request. This request should reference the number which is located in the upper right hand corner of the first page of this document and should be directed to the following:

Louisiana Department of Environmental Quality
Office of Legal Affairs and Enforcement
Attention: Barry Brooks
Post Office Box 82282
Baton Rouge, Louisiana 70884-2282

XVI.

Upon Respondent's timely filing a request for a hearing, a hearing on the disputed issue of material fact or of law regarding this COMPLIANCE ORDER may be scheduled by the Secretary of the Department. The hearing shall be governed by the Act, the Administrative Procedure Act (La. R.S. 49:950. et seq.), and the Department's Rules of Procedure. The Department may amend or supplement this COMPLIANCE ORDER prior to the hearing, after providing sufficient notice and an opportunity for the preparation of a defense for the

hearing.

XVII.

This COMPLIANCE ORDER shall become a final enforcement action unless the request for hearing is timely filed. Failure to timely request a hearing constitutes a waiver of Respondent's right to a hearing on a disputed issue of material fact or of law under Section 2050.4 of the Act for the violations described herein.

XVIII.

Respondent's failure to request a hearing or to file an appeal or Respondent's withdrawal of a request for hearing on this COMPLIANCE ORDER shall not preclude Respondent from contesting the findings of facts in any subsequent penalty action addressing the same violations, although Respondent is estopped from objecting to this COMPLIANCE ORDER becoming a permanent part of its compliance history.

XIX.

Civil penalties of not more than twenty-five thousand dollars (\$25,000) for each day of violation for the violation(s) described herein may be assessed. Respondent's failure or refusal to comply with this COMPLIANCE ORDER and the provisions herein will subject Respondent to possible enforcement procedures under La. R.S. 30:2025, which could result in the assessment of a civil penalty in an amount of not more than fifty thousand dollars (\$50,000) for each day of continued violation or noncompliance.


XX.

For each violation described herein, the Department reserves the right to seek civil penalties in any manner allowed by law, and nothing herein shall be construed to preclude the right to seek such penalties.

XXI.

This COMPLIANCE ORDER is effective upon receipt.

Baton Rouge, Louisiana, this 1 day of December, 1997.



H. M. STRONG
ASSISTANT SECRETARY

Please serve Respondent through its' agent for service of process:

John E. Kennedy
743 Thora
Shreveport, Louisiana 71106

Copies of a request for hearing and/or related correspondence should be sent to:

Steven R. Aguiard, Program Manager
Hazardous Waste Division/Enforcement Section
P.O. Box 82178
Baton Rouge, Louisiana 70809

or

Mr. Burns Doss
Northwest Regional Office
1525 Fairfield, Room 11
Shreveport, Louisiana 71107



State of Louisiana
Department of Environmental Quality

M.J. "MIKE" FOSTER, JR.
GOVERNOR

August 24, 1998
CERTIFIED RETURN RECEIPT REQUESTED

P 159 566 556
P 159 566 557

Kennedy Saw Mills Inc.
dba Benton Creosoting Works
Bossier Parish
P.O. Box 87
Benton, LA 70116

ATTN: Mr. Don Wheeler

Subject: **PENALTY NOTICE
ENFORCEMENT TRACKING
NUMBER HE-P-97-0485
LAD 008 056 632**

Dear Mr. Wheeler:

Attached please find a Penalty Notice issued to Kennedy Saw Mills Inc. dba Benton Creosoting Works by the Louisiana Department of Environmental Quality, Hazardous Waste Division.

In order to reduce document handling time, please refer to the enforcement tracking number on the top right of the attached document on all correspondence in response to this action.

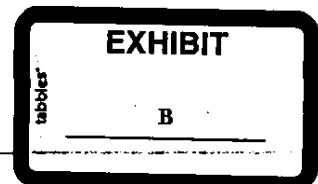
If you have any questions regarding this matter, please do not hesitate to contact this office at 504/765-0355.

Sincerely,

H. M. Strong
Assistant Secretary

HMS:CKO:eml

Attachments



OFFICE OF SOLID AND HAZARDOUS WASTE P.O. BOX 52178 BATON ROUGE LOUISIANA 70884-2178

TELEPHONE (504) 765-0261 FAX (504) 755-0617

AN EQUAL OPPORTUNITY EMPLOYER



STATE OF LOUISIANA
DEPARTMENT OF ENVIRONMENTAL QUALITY
OFFICE OF SOLID AND HAZARDOUS WASTE
HAZARDOUS WASTE DIVISION

IN THE MATTER OF:

**KENNEDY SAW MILLS INC.
DBA BENTON CREOSOTING WORKS
(LAD008056632)
LA HIGHWAY 3
BOSSIER
BENTON, LA 71006**

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***ENFORCEMENT TRACKING NO.**

***HE-P-97-0485 ***

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**PROCEEDINGS UNDER THE LOUISIANA
ENVIRONMENTAL QUALITY ACT
LA. R.S. 30:2001 ET SEQ.**

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*

PENALTY ASSESSMENT

The following **PENALTY ASSESSMENT** is issued to **KENNEDY SAW MILLS INC. DBA BENTON CREOSOTING WORKS** (Respondent) by the Louisiana Department of Environmental Quality (the Department), under the authority granted by the Louisiana Environmental Quality Act (the Act), La. R.S. 30:2001, et seq., and particularly by La. R.S. 30:2025 (E) and 2050.3.

FINDINGS OF FACT

I.

Respondent operates a wood treatment facility on Louisiana Highway 3 in Benton, Bossier

Parish, Louisiana.

II.

On or about June 24, 1997 a representative of the Department performed an inspection of the facility and noted the following violations:

A. Respondent failed to follow the Closure Plan in violation of the **Closure Permit #LAD008056632-CP2**, as follows:

1. Failure to empty the two LSR tanks and handle residual solids from the two LSR tanks as required by Section 2.4.1. Paragraph #3;
2. Failure to decontaminate and analyze the two LSR tanks to ensure adequate removal of the K001 constituents as required by Section 2.4.1. Paragraph #5; and
3. Failure to allow discharge of supernatants of the two LSR tanks to the wastewater treatment system as required by Section 2.4.2. Paragraph #2.

B. Respondent failed to inform the Administrative Authority of deviations from changes in the information in the **Closure Permit #LAD008056632-CP2**, by placing one LSR Tank in wastewater treatment service prior to completing closure procedures as specified in the closure plan and as outlined above.

C. Respondent stored K001 hazardous waste for greater than one year in the south end LSR tank, in violation of **LAC 33:V.303.B** and **LAC 33:V.2205**.

III.

A civil penalty under Section 2025 (E) and 2050.3 of the Act may be assessed for the violations described herein.

IV.

Having considered the factors set forth in Section 2025 (E)(3) of the Act, and in light of all facts and circumstances presently known, a civil penalty would be appropriate, equitable, and justified.

ASSESSMENT

I.

A penalty in the amount of \$28,299.00 is hereby assessed, together with legal interest as allowed by law and all costs of bringing and prosecuting this enforcement action.

II.

The Respondent has a right to an adjudicatory hearing on a disputed issue of material fact or of law arising from this **PENALTY ASSESSMENT**. This right may be exercised by filing a written request with the secretary no later than thirty (30) days after receipt of this **PENALTY ASSESSMENT**.

III.

The request for adjudicatory hearing shall specify the provisions of the **PENALTY ASSESSMENT** on which the hearing is requested and shall briefly describe the basis for the request. This request should reference the number which is located in the upper right hand corner of the first page of this document and should be directed to the following:

Office of Legal Affairs and Enforcement
Department of Environmental Quality
Attention: Barry Brooks
Post Office Box 82282
Baton Rouge, Louisiana 70884-2282

IV.

Upon Respondent's timely filing a request for a hearing, a hearing on the disputed issue of material fact or of law regarding this **PENALTY ASSESSMENT** may be scheduled by the Secretary of the Department. The hearing shall be governed by the Act, the Administrative Procedure Act (La. R.S. 49:950, et seq.), and the Department's Rules of Procedure. The Department may amend or supplement this **PENALTY ASSESSMENT** prior to the hearing, after providing sufficient notice and an opportunity for the preparation of a defense for the hearing.

V.

This **PENALTY ASSESSMENT** shall become a final enforcement action unless the request for hearing is timely filed. Failure to timely request a hearing constitutes a waiver of Respondent's right to a hearing on a disputed issue of material fact or of law under Section 2050.4 of the Act for the violations described herein and the assessed penalty.

VI.

The Respondent must make full payment of the civil penalty assessed herein no later than fifteen (15) days after the assessment becomes final. Penalties are to be made payable to the Department of Environmental Quality, and mailed to:

Darryl Serio
Department of Environmental Quality
Office of Management and Finance
P. O. Box 82231
Baton Rouge, Louisiana 70884-2231

VII.

Upon the penalty assessed herein becoming final because of Respondent's failure to timely file a request for a hearing, and upon Respondent's failure to pay the civil penalty provided herein or failure to make arrangements satisfactory to the Department for such

payment, this matter shall be referred to the Attorney General for collection of the penalty plus all costs associated with the collection.

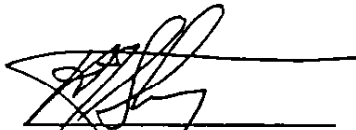
VIII.

For each violation described herein, the Department reserves the right to seek compliance with its rules and regulations in any manner allowed by law and nothing herein shall be construed to preclude the right to seek such compliance.

IX.

This **ORDER** is effective upon receipt.

Baton Rouge, Louisiana on this 24 day of August 1998.

A handwritten signature in black ink, appearing to be 'H. M. Strong', is written over a horizontal line.

H. M. STRONG
ASSISTANT SECRETARY
DEPARTMENT OF ENVIRONMENTAL QUALITY

Please serve Respondent through its' agent for service of process:

John E. Kennedy
743 Thora
Shreveport, LA 71106

Copies of a request for hearing and/or related correspondence should be sent to:

Mr. Steven R. Aguillard, Program Manager
Department of Environmental Quality
Hazardous Waste Division/Enforcement Section
Post Office Box 82178
Baton Rouge, LA 70884-2178

and

Mr. Burns Doss, Northwest Regional Office
1525 Fairfield, Room 11
Shreveport, LA 71107

**OFFICE OF WASTE SERVICES
HAZARDOUS WASTE DIVISION**

HE-P-97-0485

ACTION: Hazardous Waste Conf
ORIGINATOR: Bruce Ross

PROJECT: Penalty Section Cessate
DATE: _____

	Req'd	Signature	Date	Comments
Other		C.O. Jones	5/15/98	
Coordinator	✓	LMI	8/17	
Program Manager	✓	AM	8/17	
Assist. Administrator		W	8/18	
Administrator		[Signature]	8/18	
Legal. Rostered to [Signature] 5/15/98		[Signature]		
Assistant Secretary		[Signature]	2/5/98	
Deputy Secretary		ATTORNEY: Perry	MAY 1 1998	
Secretary				
Other		DATE DUE: 24 May		<div> <div>Environment</div> <div>Legal Affairs</div> <div>Enforcement</div> </div>



<u>FIELD ENFORCEMENT SECTION</u>	<u>ORIGINATOR</u> <u>BURNS</u>	<u>ENFORCEMENT ACTION DUE DATE</u> <u>PER-98</u>
	<u>DOSS</u>	<u>ACTION TYPE:</u> <u>LOG# E 980057</u>

COPIES TO:

~~SECRET~~

300 317 0

APR 14 1938

is your RETURN ADDRESS completed on the reverse side?

SENDER:

- Complete Items 1 and/or 2 for additional services.
- Complete Items 3, 4a, and 4b.
- Print your name and address on the reverse of this form so that we can return this card to you.
- Attach this form to the front of the mailpiece, or on the back if space does not permit.
- Write "Return Receipt Requested" on the mailpiece below the article number.
- The Return Receipt will show to whom the article was delivered and the date delivered.

I also wish to receive the following services (for an extra fee):

1. ☒ Addressee's Address
2. ☐ Restricted Delivery

Consult postmaster for fee.

3. Article Addressed to:
*Kennedy Saw Mills Inc.
dba Benton Crossing Works
Bossier Parish
attn: Mr. Don Wheeler
P.O. Box 87
Benton, La. 70116*

4a. Article Number
P159566556

4b. Service Type
☐ Registered ☒ Certified
☐ Express Mail ☐ Insured
☐ Return Receipt for Merchandise ☐ COD

7. Date of Delivery
8-27-98

5. Received By: (Print Name)
✓

8. Addressee's Address (Only if requested and fee is paid)

6. Signature: (Addressee or Agent)
✓ x. Raymond Lence

PS Form 3811, December 1994 102595-98-B-0229 Domestic Return Receipt

Thank you for using Return Receipt Service.

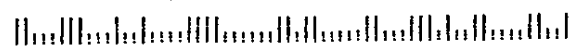
UNITED STATES POSTAL SERVICE



First-Class Mail
Postage & Fees Paid
USPS
Permit No. G-10

• Print your name, address, and ZIP Code in this box •

1918
LDEO HEADQUARTERS,
HAZARDOUS WASTE/ENF
7290 Bluebonnet Blvd.
Baton Rouge, LA 70810



PS Form 3800, April 1995

Postmark or Date	
TOTAL Postage & Fees	\$
Postage	\$
Certified Fee	
Special Delivery Fee	
Restricted Delivery Fee	
Return Receipt Showing to Whom & Date Delivered	
Return Receipt Showing to Whom, Date, & Addressee's Address	

US Postal Service
Receipt for Certified Mail
No Insurance Coverage Provided.
Do not use for International Mail (See reverse).

*PN HE897-0485
P 159 566 556
John E. Kennedy*

*Sent to Kennedy Saw Mills Inc.
dba Benton Crossing Works
attn: Mr. Don Wheeler
P.O. Box 87
Benton, La. 70116*



State of Louisiana
Department of Environmental Quality



M.J. "MIKE" FOSTER, JR.
GOVERNOR

J. DALE GIVENS
SECRETARY

November 10, 1998

CERTIFIED MAIL RETURN RECEIPT REQUESTED

P 159 566 683
P 159 566 684

Kennedy Saw Mills, Inc.
dba Benton Creosoting Works
P.O. Box 87
Benton, LA 71006

ATTN: Mr. John E. Kennedy

Subject: COMPLIANCE ORDER
ENFORCEMENT TRACKING NO. HE-C-98-0089
LAD 008 056 632

Dear Mr. Kennedy:

Attached please find a Compliance Order issued to Kennedy Saw Mills, Inc. Dba Benton Creosoting Works, (Respondent) by the Louisiana Department of Environmental Quality, Hazardous Waste Division.

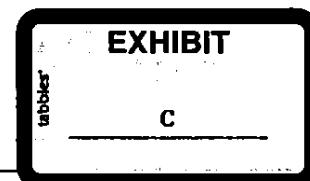
In order to reduce document handling time, please refer to the enforcement tracking number on the top right of the attached document on all correspondence in response to this action.

If you have any questions regarding this matter, please do not hesitate to contact this office at 504/765-0355.

Sincerely,

H.M. Strong
ASSISTANT SECRETARY

HMS:ALT:eml



Attachments

OFFICE OF SOLID AND HAZARDOUS WASTE HAZARDOUS WASTE DIVISION P.O. BOX 82178 BATON ROUGE, LOUISIANA 70884-2178

TELEPHONE (504) 765-0355 FAX (504) 765-0617

AN EQUAL OPPORTUNITY EMPLOYER



STATE OF LOUISIANA
DEPARTMENT OF ENVIRONMENTAL QUALITY
OFFICE OF WASTE SERVICES
HAZARDOUS WASTE DIVISION

IN THE MATTER OF	*
	*
KENNEDY SAW MILLS, INC.	*
DBA BENTON CREOSOTING WORKS	*
LAD008056632	*
LA. HIGHWAY 3	*
BOSSIER PARISH	* ENFORCEMENT TRACKING NO.
BENTON, LOUISIANA 71006	* HE-C-98-0089
	*
PROCEEDINGS UNDER THE LOUISIANA	*
ENVIRONMENTAL QUALITY ACT,	*
La. R.S. 30:2001, <u>ET SEQ.</u>	*

COMPLIANCE ORDER

The following COMPLIANCE ORDER is issued to Kennedy Saw Mills, Inc. dba Benton Creosoting Works (Respondent) by the Louisiana Department of Environmental Quality (the Department), under the authority granted by the Louisiana Environmental Quality Act (the Act), La. R.S. 30:2001, et seq., and particularly by La. R.S. 30:2025(C) and 30:2050.2.

FINDINGS OF FACT

I.

Respondent operates a wood treatment facility on Louisiana Highway 3 in Benton, Bossier Parish, Louisiana.

II.

On or about March 11, 1998, representatives of the Department performed an inspection of the facility and noted the following violations:

- A. Respondent failed to label or clearly mark six (6) full drums storing F034 hazardous waste with the date accumulation began, in violation of LAC 33:V.1109.E.1.e.
- B. Respondent stored a drum of hazardous waste for more than (90) ninety days, in violation of LAC 33:V.303.B.
- C. Respondent failed to inspect at least weekly areas where containers are stored looking for leaking containers and for deterioration of the containers and the containment system, in violation of LAC 33:V.2109.A.
- D. Respondent failed to maintain documentation of personnel training as specified in LAC 33:V.1515, in violation of LAC 33:V.1119.

COMPLIANCE ORDER

Based on the foregoing, Respondent is hereby ordered:

I.

To immediately label or clearly mark the container storing hazardous waste in the container storage area with the date upon which each period of accumulation began, and further to institute procedures to ensure that all containers storing hazardous waste are clearly marked with the date upon which each period of accumulation began.

II.

To immediately cease storing Hazardous Waste on site for greater than ninety days, and further to institute procedures to ensure that hazardous waste is not stored on site for greater than ninety days until the facility is in receipt of interim status, a final permit, or a storage extension.

III.

To immediately begin inspecting at least weekly areas where hazardous waste containers are stored looking for leaking containers and deterioration of the containers and the containment system.

IV.

To, within thirty (30) days, institute a personnel training program as specified in LAC 33:V.1515.

RESPONDENT SHALL FURTHER BE ON NOTICE THAT:

V.

The Respondent has a right to an adjudicatory hearing on a disputed issue of material fact or of law arising from this COMPLIANCE ORDER. This right may be exercised by filing a written request with the Secretary no later than thirty (30) days after receipt of this COMPLIANCE ORDER.

VI.

The request for adjudicatory hearing shall specify the provisions of the COMPLIANCE ORDER on which the hearing is requested and shall briefly describe the basis for the request.

This request should reference the number located in the upper right hand corner of the first page of this document and should be directed to the following:

Office of the Legal Affairs and Enforcement
Department of Environmental Quality
Attn: Barry Brooks
Post Office Box 82282
Baton Rouge, Louisiana 70884

VII.

Upon Respondent's timely filing a request for a hearing, a hearing on the disputed issue of material fact or of law regarding this COMPLIANCE ORDER may be scheduled by the Secretary of the Department. The hearing shall be governed by the Act, the Administrative Procedure Act (La. R.S. 49:950, et seq.), and the Department's Rules of Procedure. The Department may amend or supplement this COMPLIANCE ORDER prior to the hearing, after providing sufficient notice and an opportunity for the preparation of a defense for the hearing.

VIII.

This COMPLIANCE ORDER shall become a final enforcement action unless the request for hearing is timely filed. Failure to timely request a hearing constitutes a waiver of Respondent's right to a hearing on a disputed issue of material fact or of law under Section 2050.4 of the Act for the violations described herein.

IX.

Respondent's failure to request a hearing or to file an appeal or Respondent's withdrawal of a request for hearing on this COMPLIANCE ORDER shall not preclude Respondent from contesting the findings of facts in any subsequent penalty action addressing the same violations, although Respondent is stopped from objecting to this COMPLIANCE ORDER becoming a permanent part of its compliance history.

X.

Civil penalties of not more than twenty-five thousand dollars (\$25,000) for each day of violation for the violation(s) described herein may be assessed. Respondent's failure or refusal to comply with this COMPLIANCE ORDER and the provisions herein will subject Respondent to possible enforcement procedures under La. R.S. 30:2025, which could result in the assessment of a civil penalty in an amount of not more than fifty thousand dollars (\$50,000) for each day of continued violation or noncompliance.

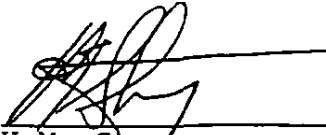
XI.

For each violation described herein, the Department reserves the right to seek civil penalties in any manner allowed by law, and nothing herein shall be construed to preclude the right to seek such penalties.

XII.

This COMPLIANCE ORDER is effective upon receipt.

Baton Rouge, Louisiana, this 10 day of November, 1998.



H.M. Strong
ASSISTANT SECRETARY
DEPARTMENT OF ENVIRONMENTAL QUALITY

Please serve Respondent through its agent for service of process:

John E. Kennedy
743 Thora
Shreveport, LA 71106

Copies of a request for hearing and/or related correspondence
should be sent to:

Mr. Steven R. Aguillard, Program Manager
Department of Environmental Quality
Hazardous Waste Division/Enforcement Section
Post Office Box 82178
Baton Rouge, LA 70884-2178

Mr. Burns Doss
Northwest Regional Office
1525 Fairfield, Room 11
Shreveport, LA 71107



State of Louisiana
Department of Environmental Quality

MIJ. "MIKE" FOSTER, JR.
GOVERNOR

February 8, 1999

CERTIFIED RETURN RECEIPT REQUESTED

P 159 566 680
P 159 566 681

Kennedy Saw Mills Inc.
dba Benton Creosoting Works
Bossier Parish
P.O. Box 87
Benton, LA 70116

ATTN: Mr. John E. Kennedy

Subject: **PENALTY NOTICE**
ENFORCEMENT TRACKING
NUMBER HE-P-98-0182
LAD 008 056 632

Dear Mr. Kennedy:

Attached please find a Penalty Notice issued to Kennedy Saw Mills Inc., dba Benton Creosoting Works by the Louisiana Department of Environmental Quality, Hazardous Waste Division.

In order to reduce document handling time, please refer to the enforcement tracking number on the top right of the attached document on all correspondence in response to this action.

If you have any questions regarding this matter, please do not hesitate to contact this office at 504/765-0355.

Sincerely,

L. Hall Bohlinger
Deputy Secretary

LHB:CKO:eml

Attachments

EXHIBIT

D



IN THE MATTER OF:

PROCEEDINGS UNDER THE LOUISIANA
ENVIRONMENTAL QUALITY ACT
LA. R.S. 30:2001 ET SEQ.

The following PENALTY ASSESSMENT is issued to KENNEDY SAW MILLS INC., DBA BENTON CREOSOTING WORKS (Respondent) by the Louisiana Department of Environmental Quality (the Department), under the authority granted by the Louisiana Environmental Quality Act (the Act), La. R.S. 30:2001, et seq., and particularly by La. R.S. 30:2025 (E) and 2050.3.

I.

Respondent operates a wood treatment facility on Louisiana Highway 3 in Benton, Bossier Parish, Louisiana.

II.

On or about March 11, 1998, representatives of the Department performed an inspection of the facility and noted the following violation:

Respondent stored F034 hazardous waste in a container for greater than ninety days without a permit or interim status, in violation of LAC 33:V.303.B.

III.

A civil penalty under Section 2025 (E) and 2050.3 of the Act may be assessed for the violations described herein.

IV.

Having considered the factors set forth in Section 2025 (E)(3) of the Act, and in light of all facts and circumstances presently known, a civil penalty would be appropriate, equitable, and justified.

ASSESSMENT

I.

A penalty in the amount of \$2,466.00 is hereby assessed, together with legal interest as allowed by law and all costs of bringing and prosecuting this enforcement action.

II.

The Respondent has a right to an adjudicatory hearing on a disputed issue of material fact or of law arising from this **PENALTY ASSESSMENT**. This right may be exercised by filing a written request with the Secretary no later than thirty (30) days after receipt of this **PENALTY ASSESSMENT**.

III.

The request for adjudicatory hearing shall specify the provisions of the **PENALTY ASSESSMENT** on which the hearing is requested and shall briefly describe the basis for the request. This request should reference the number which is located in the upper right hand corner of the first page of this document and should be directed to the following:

Office of Legal Affairs and Enforcement
Department of Environmental Quality
Attention: Barry Brooks
Post Office Box 82282
Baton Rouge, Louisiana 70884-2282

IV.

Upon Respondent's timely filing a request for a hearing, a hearing on the disputed issue of material fact or of law regarding this **PENALTY ASSESSMENT** may be scheduled by the Secretary of the Department. The hearing shall be governed by the Act, the Administrative Procedure Act (La. R.S. 49:950, et seq.), and the Department's Rules of Procedure. The Department may amend or supplement this **PENALTY ASSESSMENT** prior to the hearing, after providing sufficient notice and an opportunity for the preparation of a defense for the hearing.

V.

This **PENALTY ASSESSMENT** shall become a final enforcement action unless the request for hearing is timely filed. Failure to timely request a hearing constitutes a waiver of Respondent's right to a hearing on a disputed issue of material fact or of law under Section 2050.4 of the Act for the violations described herein and the assessed penalty.

VI.

The Respondent must make full payment of the civil penalty assessed herein no later than fifteen (15) days after the assessment becomes final. Penalties are to be made payable to the Department of Environmental Quality, and mailed to:

Darryl Serio
Department of Environmental Quality
Office of Management and Finance
P. O. Box 82231
Baton Rouge, Louisiana 70884-2231

VII.

Upon the penalty assessed herein becoming final because of Respondent's failure to timely file a request for a hearing, and upon Respondent's failure to pay the civil penalty provided herein or failure to make arrangements satisfactory to the Department for such payment, this matter shall be referred to the Attorney General for collection of the penalty plus all costs associated with the collection.

VIII.

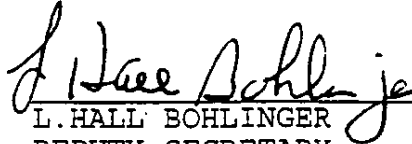
For each violation described herein, the Department reserves the right to seek compliance with its rules and regulations in any manner allowed by law and nothing herein shall be construed to preclude the right to seek such compliance.

.

IX.

This ORDER is effective upon receipt.

Baton Rouge, Louisiana on this 8 day of February, 1999.



L. HALL BOHLINGER
DEPUTY SECRETARY
DEPARTMENT OF ENVIRONMENTAL QUALITY

Please serve Respondent through its agent for service of process:

Mr. John E. Kennedy
743 Thora
Shreveport, LA 71106

Copies of a request for hearing and/or related correspondence
should be sent to:

Mr. Steven R. Aguiard, Program Manager
Department of Environmental Quality
Hazardous Waste Division/Enforcement Section
Post Office Box 82178
Baton Rouge, LA 70884-2178

and

Mr. Burns Doss, NWRO
1525 Fairfield, Room 11
Shreveport, LA 71107

Is your RETURN ADDRESS completed on the reverse side?

PN 11E8-98-0182 Mr. John E. Kennedy

SENDER:

- Complete items 1 and/or 2 for additional services.
- Complete items 3, 4a, and 4b.
- Print your name and address on the reverse of this form so that we can return this card to you.
- Attach this form to the front of the mailpiece, or on the back if space does not permit.
- Write "Return Receipt Requested" on the mailpiece below the article number.
- The Return Receipt will show to whom the article was delivered and the date delivered.

3. Article Addressed to:
Kennedy Saw Mills Inc.
dba Benton Creosoting Works
P.O. Box 87
Benton, LA 70116

5. Received By: (Print Name)
D. Chae

6. Signature: (Addressee or Agent)
[Signature]

4a. Article Number
P159566681

4b. Service Type
☐ Registered ☒ Certified
☐ Express Mail ☐ Insured
☐ Return Receipt for Merchandise ☐ COD

7. Date of Delivery
2-16-99

8. Addressee's Address (Only if requested and fee is paid)

1. ☒ Addressee's Address
2. ☐ Restricted Delivery
 Consult postmaster for fee.

PS Form 3811, December 1994 102595-98-B-0228 Domestic Return Receipt

Thank you for using Return Receipt Service.

Is your RETURN ADDRESS completed on the reverse side?

PN 11E8-98-0182 Kennedy Saw Mills Inc. dba Benton

SENDER:

- Complete items 1 and/or 2 for additional services.
- Complete items 3, 4a, and 4b.
- Print your name and address on the reverse of this form so that we can return this card to you.
- Attach this form to the front of the mailpiece, or on the back if space does not permit.
- Write "Return Receipt Requested" on the mailpiece below the article number.
- The Return Receipt will show to whom the article was delivered and the date delivered.

3. Article Addressed to:
Mr. John E. Kennedy
743 Stora
Shreveport, La. 71106

5. Received By: (Print Name)
[Signature]

6. Signature: (Addressee or Agent)
[Signature]

4a. Article Number
P159566680

4b. Service Type
☐ Registered ☒ Certified
☐ Express Mail ☐ Insured
☐ Return Receipt for Merchandise ☐ COD

7. Date of Delivery
2/11/99

8. Addressee's Address (Only if requested and fee is paid)

1. ☒ Addressee's Address
2. ☐ Restricted Delivery
 Consult postmaster for fee.

PS Form 3811, December 1994 102595-98-B-0228 Domestic Return Receipt

Thank you for using Return Receipt Service.

P/N HEP-98-0182
 P 159 566 681
 Mr. John E. Kennedy
 US Postal Service
Receipt for Certified Mail
 No Insurance Coverage Provided.
 Do not use for International Mail (See reverse).
 Sent to Kennedy Saw Mills 4/16/98
 Benton Crossing Works
 Street & Number
 P.O. Box 87
 Post Office, State, & ZIP Code
 Benton, Ia. 50816
 Postage \$
 Certified Fee
 Special Delivery Fee
 Restricted Delivery Fee
 Return Receipt Showing to Whom & Date Delivered
 Return Receipt Showing to Whom, Date, & Addressee's Address
 TOTAL Postage & Fees \$
 Postmark or Date

PS Form 3800, April 1995
 att: Mr. John E. Kennedy

P/N HEP-98-0182
 P 159 566 680
 Kennedy Saw Mills Inc 4/16/98
 US Postal Service Benton Crossing Works
Receipt for Certified Mail
 No Insurance Coverage Provided.
 Do not use for International Mail (See reverse).
 Sent to Mr. John E. Kennedy
 Street & Number
 743 24th
 Post Office, State, & ZIP Code
 Shreveport La. 71106
 Postage \$
 Certified Fee
 Special Delivery Fee
 Restricted Delivery Fee
 Return Receipt Showing to Whom & Date Delivered
 Return Receipt Showing to Whom, Date, & Addressee's Address
 TOTAL Postage & Fees \$
 Postmark or Date

PS Form 3800, April 1995



State of Louisiana
Department of Environmental Quality



PF
JJC
Jonathan
McFarlane
@ STL
Engineering
NARO
TJS

M.J. "MIKE" FOSTER, JR.
GOVERNOR

May 2, 2002

J. DALE GIVENS
SECRETARY

CERTIFIED MAIL (7000 1670 0012 4139 0171/0188)
RETURN RECEIPT REQUESTED

KENNEDY SAW MILLS, INC.

c/o John E. Kennedy, Jr.
Agent of Service
251 Montgomery Street
Shreveport, Louisiana 71107

RE: COMPLIANCE ORDER
ENFORCEMENT TRACKING NO. HE-C-01-0543
AGENCY INTEREST NO. 1230

Dear Sir:

Pursuant to the Louisiana Environmental Quality Act (La. R.S. 30:2001, et seq.), the attached COMPLIANCE ORDER is hereby served on KENNEDY SAW MILLS, INC. (RESPONDENT) for the violations described therein.

Compliance is expected within the maximum time period established by each part of the COMPLIANCE ORDER. The violations cited in the COMPLIANCE ORDER could result in the issuance of a civil penalty or referral to the Department of Justice for appropriate legal actions.

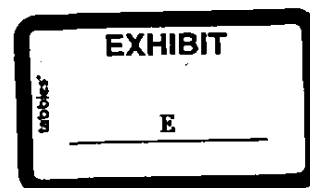
Any questions concerning this action should be directed to John J. Clark at (225) 765-0875.

Sincerely,

Barbara F. Romanowsky
Administrator
Enforcement Division

RBH/jjc
Alt ID No. LAD008056632
Attachment

c: Benton Creosoting Works
P.O. Box 87
Benton, Louisiana 71006



STATE OF LOUISIANA
DEPARTMENT OF ENVIRONMENTAL QUALITY
OFFICE OF ENVIRONMENTAL COMPLIANCE

IN THE MATTER OF

KENNEDY SAW MILLS, INC.
BOSSIER PARISH
ALT ID NO. LAD008056632

*	
*	
*	ENFORCEMENT TRACKING NO.
*	
*	HE-C-01-0543
*	
*	AGENCY INTEREST NO.
*	
*	1230
*	
*	

PROCEEDINGS UNDER THE LOUISIANA
ENVIRONMENTAL QUALITY ACT,
La. R.S. 30:2001, ET SEQ.

COMPLIANCE ORDER

The following COMPLIANCE ORDER is issued to KENNEDY SAW MILLS, INC. (RESPONDENT) by the Louisiana Department of Environmental Quality (the Department), under the authority granted by the Louisiana Environmental Quality Act (the Act), La. R.S. 30:2001, et seq., and particularly by La. R.S. 30:2025(C) and 30:2050.2.

FINDINGS OF FACT

I.

The Respondent owns and/or operates Benton Creosoting Works, a wood treatment and processing plant located at 6695 Louisiana Highway 3 North in Benton, Bossier Parish, Louisiana. The facility operates under EPA identification number LAD008056632.

II.

On or about November 5, 2001, an inspection of the facility was performed by an employee of the Department. Upon inspection, the following violations were revealed:

- A. The Respondent failed to properly maintain the drip pads, as required by LAC 33:V.4597.A and LAC 33:V.2805.D, in violation of LAC 33:V.105.D.1.i.iii.(d).
- B. The Respondent failed to annually re-certify the assessment of the drip pad, as required by LAC 33:V.4597.A and LAC 33:V.2805.B, in violation of LAC 33:V.105.D.1.i.iii.(d).
- C. The Respondent failed to perform weekly inspections while the drip pad was in operation, as required by LAC 33:V.4599.A and LAC 33:V.2807.B, in violation of LAC 33:V.105.D.1.i.iii.(d).

COMPLIANCE ORDER

Based on the foregoing, the Respondent is hereby ordered:

I.

To properly maintain, within seven (7) days of receipt of this COMPLIANCE ORDER, the drip pads such that they remain free of cracks, gaps, corrosion, or other deterioration that could cause hazardous waste to be released from the drip pads.

II.

To implement, within thirty (30) days of receipt of this COMPLIANCE ORDER, methods and procedures to ensure that the drip pad assessment will be annually reviewed, updated, and re-certified.

III.

To immediately institute, upon receipt of this **COMPLIANCE ORDER**, methods and procedures to ensure that, while a drip pad is in operation, inspections of the drip pad are performed weekly and after storms to detect evidence of any of the following: deterioration, malfunctions or improper operation of run-on and run-off control systems; the presence of leakage in and proper functioning of leak detection systems; and deterioration or cracking of the drip pad surface.

IV.

To submit to the Enforcement Division of the Department of Environmental Quality, within thirty (30) days of receipt of this **COMPLIANCE ORDER**, a report describing actions taken or to be taken to correct the above mentioned violations in the Findings of Fact portion of this **COMPLIANCE ORDER**.

THE RESPONDENT SHALL FURTHER BE ON NOTICE THAT:

I.

The Respondent has a right to an adjudicatory hearing on a disputed issue of material fact or of law arising from this **COMPLIANCE ORDER**. This right may be exercised by filing a written request with the Secretary no later than thirty (30) days after receipt of this **COMPLIANCE ORDER**.

II.

The request for adjudicatory hearing shall specify the provisions of the **COMPLIANCE ORDER** on which the hearing is requested and shall briefly describe the basis for the request. This request should reference the Enforcement Tracking Number and Agency Interest

Number, which are located in the upper right-hand corner of the first page of this document and should be directed to the following:

Department of Environmental Quality
Office of the Secretary
Post Office Box 82282
Baton Rouge, Louisiana 70884-2282
Attn: Hearings Clerk, Legal Division
Re: Enforcement Tracking No. HE-C-01-0543
Agency Interest No. 1230

III.

Upon the Respondent's timely filing a request for a hearing, a hearing on the disputed issue of material fact or of law regarding this COMPLIANCE ORDER may be scheduled by the Secretary of the Department. The hearing shall be governed by the Act, the Administrative Procedure Act (La. R.S. 49:950, et seq.), and the Department's Rules of Procedure. The Department may amend or supplement this COMPLIANCE ORDER prior to the hearing, after providing sufficient notice and an opportunity for the preparation of a defense for the hearing.

IV.

This COMPLIANCE ORDER shall become a final enforcement action unless the request for hearing is timely filed. Failure to timely request a hearing constitutes a waiver of the Respondent's right to a hearing on a disputed issue of material fact or of law under Section 2050.4 of the Act for the violations described herein.

V.

The Respondent's failure to request a hearing or to file an appeal or the Respondent's withdrawal of a request for hearing on this COMPLIANCE ORDER shall not preclude the Respondent from contesting the findings of facts in any subsequent penalty action addressing the

same violations, although the Respondent is estopped from objecting to this COMPLIANCE ORDER becoming a permanent part of its compliance history.

VI.

Civil penalties of not more than twenty-seven thousand five hundred dollars (\$27,500) for each day of violation for the violation(s) described herein may be assessed. The Respondent's failure or refusal to comply with this COMPLIANCE ORDER and the provisions herein will subject the Respondent to possible enforcement procedures under La. R.S. 30:2025, which could result in the assessment of a civil penalty in an amount of not more than fifty thousand dollars (\$50,000) for each day of continued violation or noncompliance.

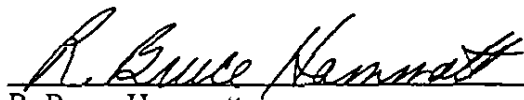
VII.

For each violation described herein, the Department reserves the right to seek civil penalties in any manner allowed by law, and nothing herein shall be construed to preclude the right to seek such penalties.

VIII.

This COMPLIANCE ORDER is effective upon receipt.

Baton Rouge, Louisiana, this 2nd day of May, 2002.



R. Bruce Hammatt
Assistant Secretary
Office of Environmental Compliance

Copies of a request for a hearing and/or
related correspondence should be sent to:

Louisiana Department of Environmental Quality
Office of Environmental Compliance
Enforcement Division
P.O. Box 82215
Baton Rouge, LA 70884-2215
Attention: Toni Evans

7000 1670 0012 4139 018A

U.S. Postal Service	
CERTIFIED MAIL RECEIPT	
(Domestic Mail Only; No Insurance Coverage Provided)	
OFFICIAL HE-C-01-8543	
Postage \$	Postmark Here
Certified Fee	
Return Receipt Fee (Endorsement Required)	
Restricted Delivery Fee (Endorsement Required)	
Total Postage & Fees \$	
Sent To Kennedy Saw Mills Inc. % John E. Kennedy, Jr. Street, Apt. No., or PO Box No. 251 Montgomery Street City, State, ZIP+4 Shreveport, Louisiana 71107 PS Form 3800, May 2000 See Reverse for Instructions	

7000 1670 0012 4139 018A

U.S. Postal Service	
CERTIFIED MAIL RECEIPT	
(Domestic Mail Only; No Insurance Coverage Provided)	
OFFICIAL HE-C-01-8543	
Postage \$	Postmark Here
Certified Fee	
Return Receipt Fee (Endorsement Required)	
Restricted Delivery Fee (Endorsement Required)	
Total Postage & Fees \$	
Sent To Benton Creosoting Works Street, Apt. No., or PO Box No. P.O. Box 87 City, State, ZIP+4 Benton, Louisiana 71006 PS Form 3800, May 2000 See Reverse for Instructions	

SENDER: COMPLETE THIS SECTION

- Complete items 1, 2, and 3. Also complete item 4 if Restricted Delivery is desired.
- Print your name and address on the reverse so that we can return the card to you.
- Attach this card to the back of the mailpiece, or on the front if space permits.

1. Article Addressed to:

Kennedy Saw Mills, Inc.
C/o John E. Kennedy, Jr.
251 Montgomery Street
Shreveport, Louisiana 71107

AI: 1230
Alt ID No. LAD008056632
HE-C-01-0543/JEG/Bossier

2. Article Number (Copy from service label)

7000 1670 0012 4139 0171

COMPLETE THIS SECTION ON DELIVERY

A. Received by (Please Print Clearly) B. Date of Delivery
J E Kennedy 7-6-99

C. Signature

X

J E Kennedy

☐ Agent
☐ Addressee

D. Is delivery address different from item 1? ☐ Yes
If YES, enter delivery address below: ☐ No

3. Service Type

☒ Certified Mail ☐ Express Mail
☐ Registered ☐ Return Receipt for Merchandise
☐ Insured Mail ☐ C.O.D.

4. Restricted Delivery? (Extra Fee) ☐ Yes

SENDER: COMPLETE THIS SECTION

- Complete items 1, 2, and 3. Also complete item 4 if Restricted Delivery is desired.
- Print your name and address on the reverse so that we can return the card to you.
- Attach this card to the back of the mailpiece, or on the front if space permits.

1. Article Addressed to:

Benton Creosoting Works
P.O. Box 87
Benton, Louisiana 71006

Alt: 1230
Alt ID No. LAD008056632
HE-C-01-0543/JEG/Bossier

2. Article Number (Copy from service label)

7000 1670 0012 4139 0188

COMPLETE THIS SECTION ON DELIVERY

A. Received by (Please Print Clearly) B. Date of Delivery

C. Signature

☒ Agent
☐ AddresseeD. Is delivery address different from item 1? ☐ Yes
If YES, enter delivery address below: ☐ No

3. Service Type

☒ Certified Mail ☐ Express Mail
☐ Registered ☐ Return Receipt for Merchandise
☐ Insured Mail ☐ C.O.D.4. Restricted Delivery? (Extra Fee) ☐ Yes



State of Louisiana
Department of Environmental Quality



EDMS
RF
NWRO

KATHLEEN BABINEAUX BLANCO
GOVERNOR

February 27, 2004

MIKE D. McDANIEL, Ph.D.
SECRETARY

CERTIFIED MAIL (7002 0460 0002 6052 1043/1050)
RETURN RECEIPT REQUESTED

KENNEDY SAW MILLS INC.
c/o John E. Kennedy, Jr.
Agent of Service
251 Montgomery Street
Shreveport, Louisiana 71107

RE: **CONSOLIDATED COMPLIANCE ORDER
& NOTICE OF POTENTIAL PENALTY
ENFORCEMENT TRACKING NO. HE-CN-03-0222
AGENCY INTEREST NO. 1230**

Dear Sir:

Pursuant to the Louisiana Environmental Quality Act (La. R.S. 30:2001, *et seq.*), the attached **CONSOLIDATED COMPLIANCE ORDER & NOTICE OF POTENTIAL PENALTY** is hereby served on **KENNEDY SAW MILLS INC. (RESPONDENT)** for the violations described therein.

Compliance is expected within the maximum time period established by each part of the **COMPLIANCE ORDER**. The violations cited in the **CONSOLIDATED COMPLIANCE ORDER & NOTICE OF POTENTIAL PENALTY** could result in the issuance of a civil penalty or referral to the Department of Justice for appropriate legal actions.

Any questions concerning this action should be directed to Erin Dartez at (225)219-3790.

Sincerely,

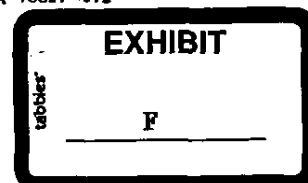
Peggy M. Hatch
Administrator
Enforcement Division

RBH/AED
Alt ID No. LAD008056632

c: Benton Creosoting
Post Office Box 87
Benton, Louisiana 71006

OFFICE OF ENVIRONMENTAL COMPLIANCE • P. O. BOX 4312 • BATON ROUGE, LOUISIANA 70821-4312

AN EQUAL OPPORTUNITY EMPLOYER



**STATE OF LOUISIANA
DEPARTMENT OF ENVIRONMENTAL QUALITY
OFFICE OF ENVIRONMENTAL COMPLIANCE**

IN THE MATTER OF

**KENNEDY SAW MILLS INC.
BOSSIER PARISH
ALT ID NO. LAD008056632**

**PROCEEDINGS UNDER THE LOUISIANA
ENVIRONMENTAL QUALITY ACT,
La. R.S. 30:2001, ET SEQ.**

*
*
* **ENFORCEMENT TRACKING NO.**
*
* **HE-CN-03-0222**
*
* **AGENCY INTEREST NO.**
*
* **1230**
*

**CONSOLIDATED
COMPLIANCE ORDER & NOTICE OF POTENTIAL PENALTY**

The following **CONSOLIDATED COMPLIANCE ORDER & NOTICE OF POTENTIAL PENALTY** is issued to **KENNEDY SAW MILLS INC. (RESPONDENT)** by the Louisiana Department of Environmental Quality (the Department), under the authority granted by the Louisiana Environmental Quality Act (the Act), La. R.S. 30:2001, et seq., and particularly by La. R.S. 30:2025(C), 30:2050.2 and 30:2050.3(B).

FINDINGS OF FACT

I.

The Respondent owns and/or operates Benton Creosoting Works, a wood treatment and processing plant located at 6695 Louisiana Highway 3 North in Benton, Bossier Parish, Louisiana. The facility operates under EPA identification number LAD008056632.

II.

On or about August 18, 2003, an inspection was conducted by the Department that revealed the following violation:

The Respondent failed to perform the annual recertification of the drip pad, as required by LAC 33:V.4597.A and LAC 33:V.2805.B, in violation of LAC 33:V.105.D.1.iii.d. Specifically, the annual recertification assessment was to be performed in July 2003; however, the recertification was not conducted until September 2, 2003. This is a repeat violation that has been cited in several past inspections which resulted in the issuance of Compliance Order HE-C-01-0543.

COMPLIANCE ORDER

Based on the foregoing, the Respondent is hereby ordered:

I.

To implement, within thirty (30) days of receipt of this **COMPLIANCE ORDER**, methods and procedures to ensure that the drip pad assessment will be annually reviewed, updated, and re-certified.

II.

To submit to the Enforcement Division, within thirty (30) days after receipt of this **COMPLIANCE ORDER**, a written report that includes a detailed description of the circumstances surrounding the cited violation and actions taken or to be taken to achieve compliance with the Order Portion of this **COMPLIANCE ORDER**.

THE RESPONDENT SHALL FURTHER BE ON NOTICE THAT:

I.

The Respondent has a right to an adjudicatory hearing on a disputed issue of material fact or of law arising from this **COMPLIANCE ORDER**. This right may be exercised by filing a written request with the Secretary no later than thirty (30) days after receipt of this **COMPLIANCE ORDER**.

II.

The request for an adjudicatory hearing shall specify the provisions of the **COMPLIANCE ORDER** on which the hearing is requested and shall briefly describe the basis for the request. This request should reference the **Enforcement Tracking Number** and **Agency Interest Number**, which are located in the upper right-hand corner of the first page of this document and should be directed to the following:

Department of Environmental Quality
Office of the Secretary
Post Office Box 4302
Baton Rouge, Louisiana 70821-4302
Attn: **Hearings Clerk, Legal Division**
Re: Enforcement Tracking No. HE-CN-03-0222
Agency Interest No. 1230

III.

Upon the Respondent's timely filing a request for a hearing, a hearing on the disputed issue of material fact or of law regarding this **COMPLIANCE ORDER** may be scheduled by the Secretary of the Department. The hearing shall be governed by the Act, the Administrative Procedure Act (La. R.S. 49:950, et seq.), and the Department's Rules of Procedure. The Department may amend or supplement this **COMPLIANCE ORDER** prior to the hearing, after providing sufficient notice and an opportunity for the preparation of a defense for the hearing.

IV.

This **COMPLIANCE ORDER** shall become a final enforcement action unless the request for hearing is timely filed. Failure to timely request a hearing constitutes a waiver of the Respondent's right to a hearing on a disputed issue of material fact or of law under Section 2050.4 of the Act for the violation(s) described herein.

V.

The Respondent's failure to request a hearing or to file an appeal or the Respondent's withdrawal of a request for hearing on this **COMPLIANCE ORDER** shall not preclude the Respondent from contesting the findings of facts in any subsequent penalty action addressing the same violation(s), although the Respondent is estopped from objecting to this **COMPLIANCE ORDER** becoming a permanent part of its compliance history.

VI.

Civil penalties of not more than twenty-seven thousand five hundred dollars (\$27,500) for each day of violation for the violation(s) described herein may be assessed. The Respondent's failure or refusal to comply with this **COMPLIANCE ORDER** and the provisions herein will subject the Respondent to possible enforcement procedures under La. R.S. 30:2025, which could result in the assessment of a civil penalty in an amount of not more than fifty thousand dollars (\$50,000) for each day of continued violation or noncompliance.

VII.

For each violation described herein, the Department reserves the right to seek civil penalties in any manner allowed by law, and nothing herein shall be construed to preclude the right to seek such penalties.

NOTICE OF POTENTIAL PENALTY

I.

Pursuant to La. R.S. 30:2050.3(B), you are hereby notified that the issuance of a penalty assessment is being considered for the violation(s) described herein. Written comments may be filed regarding the violation(s) and the contemplated penalty. If you elect to submit comments, it is requested that they be submitted within ten (10) days of receipt of this notice.

II.

Prior to the issuance of additional appropriate enforcement action(s), you may request a meeting with the Department to present any mitigating circumstances concerning the violation(s). If you would like to have such a meeting, please contact Erin Dartez at (225) 219-3790 within ten (10) days of receipt of this **NOTICE OF POTENTIAL PENALTY**.

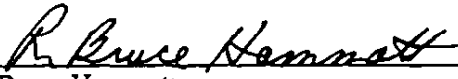
III.

The Department is required by La. R.S. 30:2025(E)(3)(a) to consider the gross revenues of the Respondent and the monetary benefits of noncompliance to determine whether a penalty will be assessed and the amount of such penalty. Please forward the Respondent's most current annual gross revenue statement along with a statement of the monetary benefits of noncompliance for the cited violation(s) to the above named contact person within ten (10) days of receipt of this **NOTICE OF POTENTIAL PENALTY**. Include with your statement of monetary benefits the method(s) you utilized to arrive at the sum. If you assert that no monetary benefits have been gained, you are to fully justify that statement.

IV.

This **CONSOLIDATED COMPLIANCE ORDER & NOTICE OF POTENTIAL PENALTY** is effective upon receipt.

Baton Rouge, Louisiana, this 27th day of February, 2004.



R. Bruce Hammatt
Assistant Secretary
Office of Environmental Compliance

Copies of a request for a hearing and/or related correspondence should be sent to:

Louisiana Department of Environmental Quality
Office of Environmental Compliance
Enforcement Division
P.O. Box 4312
Baton Rouge, LA 70821-4312
Attention: Cheryl Easley

SENDER COMPLETE THIS SECTION

- ☐ Complete items 1, 2, and 3. Also complete item 4 if Restricted Delivery is desired.
- ☐ Print your name and address on the reverse so that we can return the card to you.
- ☐ Attach this card to the back of the mailpiece, or on the front if space permits.

1. Article Addressed to:

Kennedy Saw Mills Inc.
c/o John E. Kennedy, Jr.
Agent of Service
251 Montgomery Street
Shreveport, Louisiana 71107
(Benton Creosoting)
HE-CN-03-0222/aed/Bossier Parish
AI:1230

2. Article Number

(Transfer from service label)

7007 0260 0002 6052 1043 NWRO

COMPLETE THIS SECTION ON DELIVERY

A. Signature

x *JEAN VINES*☐ Agent☐ Addressee

B. Received by (Printed Name)

JEAN VINES

C. Date of Delivery

3808

D. Is delivery address different from item 1? ☐ YesIf YES, enter delivery address below: ☐ No

3. Service Type

☒ Certified Mail☐ Express Mail☐ Registered☐ Return Receipt for Merchandise☐ Insured Mail☐ C.O.D.

4. Restricted Delivery? (Extra Fee)

☐ Yes

UNITED STATES POSTAL SERVICE



First-Class Mail
Postage & Fees Paid
USPS
Permit No. G-10

• Sender: Please print your name, address, and ZIP+4 in this box •

LA Department of Environmental Quality
Office of Environmental Compliance
P.O. Box 4312
Baton Rouge, LA 70821-4312
Attention: Cheryl Easley

SENDER: COMPLETE THIS SECTION

- ☐ Complete items 1, 2, and 3. Also complete item 4 if Restricted Delivery is desired.
- ☒ Print your name and address on the reverse so that we can return the card to you.
- ☒ Attach this card to the back of the mailpiece, or on the front if space permits.

1. Article Addressed to:

Benton Creosoting Works
Post Office Box 87
Benton, Louisiana 71006
(Kennedy Saw Mills)
HE-CN-03-0222/aed/Bossier Parish
AI:1230
ALT ID: LAD008056632

2. Article Number

(Transfer from back of mailpiece)
7002 0460 0002 6052 1050 NWRO

COMPLETE THIS SECTION ON DELIVERY

A. Signature

X

☐ Agent☐ Addressee

B. Received by (Printed Name)

Kenneth W. English

C. Date of Delivery

3/10/04

D. Is delivery address different from item 1?

☐ Yes

If YES, enter delivery address below:

☐ No

3. Service Type

☒ Certified Mail☐ Express Mail☐ Registered☐ Return Receipt for Merchandise☐ Insured Mail☐ C.O.D.

4. Restricted Delivery? (Extra Fee)

☐ Yes

UNITED STATES POSTAL SERVICE



First-Class Mail
Postage & Fees Paid
USPS
Permit No. G-10

- Sender: Please print your name, address, and ZIP+4 in this box •

LA Department of Environmental Quality
Office of Environmental Compliance
P.O. Box 4312
Baton Rouge, LA 70821-4312
Attention: Cheryl Easley



SETTLEMENT PAYMENT FORM

Please attach this form to your settlement payment
and submit to:



Department of Environmental Quality
Office of Management and Finance
P. O. Box 4303
Baton Rouge, Louisiana 70821-4303
Attn: Darryl Serio, Fiscal Officer

Payment # _____

Respondent: **KENNEDY SAW MILLS, INC.**

Enforcement Tracking No(s): **HE-CN-03-0222, HE-C-01-0543, HE-P-98-0182,
HE-C-98-0089, HE-P-97-0485, HE-C-97-0291**

Payment Amount: _____

AI Number: **1230**

Alternate ID No(s): _____

TEMPO Activity Number: _____

**For Official Use Only.
Do Not write in this Section.**

Check Number:

Check Date:

Check Amount:

Received Date:

PIV Number:

PIV Date:

Stamp "Paid" in the box to the right
and initial.

Route Completed form to:

**Peggy Hatch, Administrator
Enforcement Division**

**And copy Chris Ratcliff, Legal
Division**

PLACE TICKET AT TOP OF ENVELOPE TO THE RIGHT
OF THE RETURN ADDRESS, FOLD AT DOTTED LINE
CERTIFIED MAIL



8555 5824 5538
8555 5824 5538
7003 2260 0000 5824 5538
7003 2260 0000 5824 5538

U.S. Postal Service
CERTIFIED MAIL RECEIPT
(Domestic Mail Only; No Insurance Coverage Provided)
For delivery information visit our website at www.usps.com

OFFICIAL USE	
Postage	\$
Certified Fee	
Return Receipt Fee (Endorsement Required)	
Restricted Delivery Fee (Endorsement Required)	
Total Postage & Fees	\$

Postmark Here

Haller Jackson, 10th Floor
401 Edwards St. Shreveport, LA 71101

PS Form 3800, June 2002 See Reverse for Instructions

SENDER: COMPLETE THIS SECTION	COMPLETE THIS SECTION ON DELIVERY
<ul style="list-style-type: none">Complete items 1, 2, and 3. Also complete item 4 if Restricted Delivery is desired.Print your name and address on the reverse so that we can return the card to you.Attach this card to the back of the mailpiece, or on the front if space permits.	<p>A. Signature X <input type="checkbox"/> Agent <input type="checkbox"/> Addressee</p> <p>B. Received by (Printed Name) C. Date of Delivery</p> <p>D. Is delivery address different from item 1? <input type="checkbox"/> Yes If YES, enter delivery address below: <input type="checkbox"/> No</p>
<p>1. Article Addressed to:</p> <p>Haller Jackson Lemle & Kelleher, L.L.P. 10th Floor 401 Edwards Street Shreveport, Louisiana 71101</p>	<p>3. Service Type <input checked="" type="checkbox"/> Certified Mail <input type="checkbox"/> Express Mail <input type="checkbox"/> Registered <input type="checkbox"/> Return Receipt for Merchandise <input type="checkbox"/> Insured Mail <input type="checkbox"/> C.O.D.</p> <p>4. Restricted Delivery? (Extra Fee) <input type="checkbox"/> Yes</p>
<p>2. Article Number (Transfer from service label)</p>	<p>7003 2260 0000 5824 5538</p>

PS Form 3811, August 2001 Domestic Return Receipt 102595-02-M-1540